

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

**MITCH JONES,**

**Plaintiff,**

**Civil Action No. \_\_\_\_\_**

**v.**

**TAKHAR COLLECTION SERVICES, LTD.;  
and  
DOE 1-5,**

**Defendants.**

---

**COMPLAINT**

**(Jury Trial Demanded)**

1. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. ("FDCPA").

**JURISDICTION AND VENUE**

2. This Court exercises jurisdiction under 15 U.S.C. 1692k and 28 U.S.C. 1331. This District is of proper venue as Defendants are residents within this District and Defendants engaged in the activities alleged herein while so residing.

**PARTIES**

3. Plaintiff, MITCH JONES (hereinafter "Mr. Jones" or "Plaintiff"), is a natural person residing in Bozeman, Montana. Defendant, TAKHAR COLLECTION SERVICES, LTD. (hereinafter "Defendant") is a limited liability company believed to maintain its principle place of business at 1623 Military Road, Suite 537 in Niagara Falls, New York. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as DOE 1-5, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities once ascertained. Plaintiff believes and thereon alleges that the fictitiously named defendants are responsible in some manner for the occurrences herein alleged, and that such defendants are responsible to Plaintiff for damages and/or monies owed. Defendants TAKHAR COLLECTION SERVICES, LTD. and DOE 1-5 shall be jointly referred to herein as "Defendants".

4. Defendants regularly operate as third-party debt collectors and are "debt collectors" as defined in 15 U.S.C. 1692a.

**FACTUAL ALLEGATIONS**

5. In approximately May of 2011 Defendants began contacting Mr. Jones at his home phone number in connection with an attempt to collect a consumer debt from an individual Mr. Jones has no knowledge of.

6. Despite Mr. Jones having repeatedly informed Defendants that they were calling his number in error and demanding that they stop, Defendants continued to call.

7. Defendants called Mr. Jones up to 12-times per month from approximately May to December 6, 2011. Defendants called with the use of an automated dialer and prerecorded messages, which demanded that the call be returned to (800)620-0371. On at least four separate occasions Mr. Jones returned the calls to advise Defendants that he did not know the person that they were calling for and that such person had no connection with his phone number. Mr. Jones spoke with four separate agents of Defendants, three of which informed him that his number would be removed. The fourth agent aggressively demanded that Mr. Jones provide his own personal information before the agent would even converse with him. In spite of Mr. Jones's efforts, the calls and messages continued.

8. Mr. Jones, harassed and unable to terminate the calls, retained counsel with Robert Amador of Centennial Law Offices.

9. On December 6, 2011, Mr. Amador contacted Defendant Takhar Collection Services, Ltd. to successfully terminate the calls.

### **CAUSES OF ACTION**

#### **COUNT I**

10. Plaintiff re-alleges paragraphs 1 through 9, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants violated 15 U.S.C. 1692b(3) with regards to Plaintiff by continuing to contact Plaintiff after being informed that Defendants had the wrong number for the alleged debtor they were attempting to contact.

## COUNT II

11. Plaintiff re-alleges paragraphs 1 through 9, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants violated 15 U.S.C. 1692d by: 1.) Continuing to call Plaintiff after being advised that Defendants were calling the wrong number and to stop calling; and 2.) Engaging Plaintiff with an excessive number of calls.

## **PRAYER FOR RELIEF**

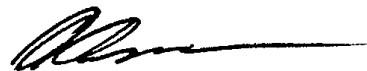
WHEREFORE, Plaintiff prays judgment against Defendant for recovery as follows:

- 1.) For statutory damages in the amount of \$1,000 pursuant to 15 U.S.C. 1692k(2);
- 2.) For actual damages of \$2,155.00 for legal costs in responding to unlawful collection activity.
- 3.) For prejudgment interest in an amount to be proved at time of trial;
- 4.) For attorney's fees pursuant to 15 U.S.C. 1692(k)
- 5.) For the costs of this lawsuit; and
- 6.) For any other and further relief that the court considers proper.

## **JURY DEMAND**

Plaintiff demands a jury trial.

Date: November 28, 2012



---

ROBERT AMADOR, ESQ.  
Attorney for Plaintiff Mitch Jones  
Centennial Law Offices  
9452 Telephone Rd. 156  
Ventura, CA. 93004  
(888)308-1119 ext. 11  
R.Amador@centenniallawoffices.com